

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

UNITED STATES OF AMERICA

V.

BOBBY JOE GRIFFIN

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CRIMINAL NO. 2:03-CR-14-1

**REPORT & RECOMMENDATION OF
UNITED STATES MAGISTRATE JUDGE**

On April 24, 2013, the Court conducted a hearing to consider the government's petition to revoke the supervised release of Defendant Bobby Joe Griffin. The government was represented by Bill Baldwin, Assistant United States Attorney for the Eastern District of Texas, and Defendant was represented by court-appointed federal defender Ken Hawk.

Defendant originally pled guilty to the offenses of Use of a Facility of Interstate Commerce to Entice a Minor to Engage in Sexual Activity and Receipt of Child Pornography, a Class C felony. The offenses carried a statutory maximum imprisonment term of 15 years. The United States Sentencing Guideline range, based on a total offense level of 28 and a criminal history category of I, was 78 to 97 months. On June 22, 2004, District Judge T. John Ward sentenced Defendant to 92 months imprisonment and 3 years supervised release subject to the standard conditions of release, plus special conditions to include (1) the defendant shall comply with federal, state, or local registration law for offenders convicted of sexual crimes; (2) the defendant shall participate in a sex offender treatment program; (3) the defendant shall not have unsupervised contact with children under 18 unless supervised; (4) the defendant shall not possess or view any images that depict sexual conduct; (5) computer and internet restrictions; (6) employment restrictions; and (7) the defendant is prohibited from places where minor children congregate. On December 31, 2009, Defendant completed the term of imprisonment and began

his term of supervised release. On September 2, 2011, Defendant's term of supervised release was revoked and he was sentenced to 17 months imprisonment followed by 12 months supervised release, subject to the conditions noted above. On November 2, 2012, Defendant completed his second term of imprisonment and began serving the supervision term.

Under the terms of supervised release, Defendant was required, in relevant part, to abide by all the rules and regulations of the Community Corrections Center. In its petition, the government alleges that Defendant violated his term of supervised release by not complying with the rules of the Community Rehabilitation Center.

If the Court finds by a preponderance of the evidence that Defendant violated the conditions of supervised release by failing to comply with the rules of the Community Rehabilitation Center, Defendant will have committed a Grade C violation. U.S.S.G. § 7B1.1(a). The Court may then (A) revoke probation or supervised release; or (B) extend the term of probation or supervised release and/or modify the conditions of supervision. U.S.S.G. § 7B1.3(a)(2). Considering Defendant's criminal history category of I, the Guideline imprisonment range for a Grade C violation is 3 to 9 months; however, the maximum imprisonment term is 7 months due to the previous revocation imprisonment term of 17 months. U.S.S.G. 7B1.4(a).

At the hearing, the parties indicated they had come to an agreement to resolve the petition whereby Defendant would plead true to the government's allegation. In exchange, the government agreed to recommend that Defendant serve 5 months of imprisonment, with no supervised release to follow.

Pursuant to the Sentencing Reform Act of 1984, and the agreement of the parties, the Court **RECOMMENDS** that Bobby Joe Griffin be committed to the custody of the Bureau of

Prisons for a term of imprisonment of 5 months. The Court further **RECOMMENDS** the place of imprisonment be FCI Fort Worth, Texas.

Defendant has waived his right to object to the findings of the Magistrate Judge in this matter so the Court will present this Report and Recommendation to District Judge Rodney Gilstrap for adoption immediately upon issuance.

So ORDERED and SIGNED this 25th day of April, 2013.



JOHN D. LOVE
UNITED STATES MAGISTRATE JUDGE